

# 1. CONTEMPORARY ISSUES OF DEMOCRATIC SOCIETY DEVELOPMENT. DEMOCRACY THROUGH LAW.

## THE LEGAL RIGHTS AND OBLIGATIONS OF OWNERS AND USERS OF LAND PLOTS: ENVIRONMENTAL ASPECT

ANETTA ARTSYSHEVSKA, Associate Professor of Department of Foreign Languages

MARIYA VASCHYSHYN, PhD of Department Labor, Agricultural and Environmental Law

*S. O. Kostyk Ivan Franko National University of L'viv*

According to Article 14 of The Constitution of Ukraine: “Land shall be the main national asset and as such shall be under special protection of the State”. Such statutory declaration shows us the exceptional value of land, which is the main material basis of the environment, basis for the formation, development and distribution of vegetation, water objects and other natural ingredients. The land is also a major means of production in agriculture, forestry and other sectors of economy. Land is the material basis of territorial integrity of the state, because, as we know, the main feature of the state is state territory.

The acquisition and realization land rights ensures the existence of a person as a biological and social being. Land Rights is an important guarantee for the realization of economic, social, recreational, aesthetic rights and interests of the individual. During the realization of their rights, they should comply with the obligation to protect the environment.

Let us move to the obligations, which are declared by the Constitution of Ukraine.

Current legislation of Ukraine imposes a number of obligations on land owners and land users. According to Articles 13 and 41 of the Constitution of Ukraine, ownership of land should not be used to the detriment of individuals and society.

The Constitution of Ukraine declares the following obligations:

- ✓ **Article 66.** Everyone shall be obliged not to harm nature or cultural heritage, and to compensate for any damage he/she inflicted.
- ✓ **Article 67.** Everyone shall be obliged to pay taxes and levies in accordance with the procedure and to the extent established by law.
- ✓ **Article 68.** Everyone shall be obliged to strictly abide by the Constitution of Ukraine and laws of Ukraine, and not to encroach upon the rights, freedoms, honour, or dignity of other persons.

The obligation to which we should pay special attention to is obligation to comply with the requirements of environmental law.

This obligation is constitutional. Article 66 of the Constitution of Ukraine: “Everyone shall be obliged not to harm nature or cultural heritage and to compensate for any damage he/she inflicted”. Article 41 of the Constitution of Ukraine: “The use

of property shall not prejudice the rights, freedoms, and dignity of citizens, the interests of society or aggravate the environmental situation and the natural qualities of land”. Other normative acts extend and complement these constitutional provisions and set out a series of obligations of citizens and legal entities to ensure environmental safety, conservation, restoration, sustainable use of natural resources. These are in particular the following laws: Forest Code, Water Code, the Code of Ukraine on mineral resources, the nation's laws "On Environmental Protection", "On the Nature Reserve Fund", and so on.

According to Article 12 of the Law of Ukraine "On Environmental Protection" citizens of Ukraine are obliged to protect nature, preserve, and rational use of wealth, to operate in compliance with environmental safety and other environmental standards and limits of the usage of natural resources. It is prohibited to violate environmental rights and lawful interests of other entities. They have to make penalties for environmental violations, to compensate the damage caused by pollution and other negative impacts on the environment.

In this regard, let us consider another obligation of land owners and users which is obligation of protection and reproduction of soil.

It is also the constitutional obligation. According to Article 14 of the Constitution of Ukraine: “Land shall be the main national asset and as such shall be under special protection of the State”.

The main productive feature of land is its fertility. It is provided by the presence of soil layer. Soil is the object of special protection, so landowners and land users have to improve soil fertility and preserve other useful properties of land.

This issue is regulated by a number of laws: Land Code of Ukraine, Laws of Ukraine "On Land Protection", "On state control over land use and protection" "On Land Development", "On pesticides and agrochemicals".

The land owners and land users may increase soil fertility and preserve other useful properties of land by applying ecologically cultivation technology and equipment, take other measures that reduce the negative impact on the soil, prevent irreversible loss of humus, nutrients, and so on.

They are entitled to exercise activities of reclamation, conservation or reclamation of land.

According to article 52 of the Law of Ukraine "On Land Protection" reclamation of land is used for those lands which have suffered changes in the structure of relief, ecological condition of soil and bedrock and in hydrological regime as a result of mining, exploration, construction and other work. In mining, exploration, construction and other work related to the violation ground cover, landowners are obliged to remove isolated soil mass, save it and move on affected or unproductive land according to the pilot project of reclamation and improvement of soil fertility.

According to Article 51 of the Law of Ukraine "On Land Protection" provides that conservation subject to degraded and unproductive land, commercial use of which is environmentally dangerous and economically inefficient as well as

technologically contaminated plots of land where it is impossible to collect organic products, and peoples presence on these land areas is harmful to their health.

According to Article 10 of the Law of Ukraine "On Land Reclamation" Land Development - is set of hydraulic, chemical, agricultural, other ameliorative measures taken to regulate water, heat, air and soil nutrient regime, preserve and increase their fertility and ecologically balanced formation of rational structure of land.

To sum up, environmental protection – is one of the main duties of every citizen. Citizens should take into consideration the environmental issues while exercising their land rights. We should protect and recover our environment in order to survive.

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## **THE LEASE OF LAND: CONSIDERATION OF THE UKRAINIAN LEGAL FRAMEWORK**

OLEH BORAKOVSKIY, 3-rd year student

LILY KYZNETSOVA, Associate Professor, PhD (Phylology)

*The Ivan Franko National University of Lviv, Law faculty*

### ***Relevance of the topic:***

In recent years in Ukraine the most effective instrument for creating the optimal size of the land is rent. It is the basic form of the economic and legal rights to land. It is important to determine the legal aspects of the lease of land, determine the characteristics, define existing problems. The views of scientists on this issue are not the same and legal provisions require interpretation. My coursework is based on burning problems of lease of land, where I try to show different views on this topic.

Among the rights to land in Ukraine is important right to lease land. Norms of the Land Code of Ukraine of 25 October 2001 (Art. 93) and the Civil Code of Ukraine of 16 January 2003 (Art. 792) stipulates that the relations connected with the lease of land shall be regulated by law. This means that relations on the acquisition, implementation and termination of land lease is to be regulated by laws of Ukraine as acts of higher legal force. Laws that make up the legal basis of land lease can be divided and general and special. In particular, the general laws which contain specific